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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,032	01/16/2004	Jacob Bradley Schwarz	PC25027A	8502
28880	7590	02/22/2005	EXAMINER	
WARNER-LAMBERT COMPANY 2800 PLYMOUTH RD ANN ARBOR, MI 48105			REYES, HECTOR M	
			ART UNIT	PAPER NUMBER
			1625	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/760,032	SCHWARZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hector M Reyes	1625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

#### **Election Acknowledgement**

The Examiner acknowledged hereby Applicant's Amendment and non-traversed Election of Group I in response dated November 30, 2004. The elected group and species are directed to:

**"I. Claims 1-3, drawn to carboxylic acid derivatives or pharmaceutical acceptable salts thereof, and simple pharmaceutical composition comprising the same, classified in class 562 and multiple subclasses."**

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Applicants elect the invention of Group I. By this Amendment Applicants have cancelled claims 4-22, which comprise the invention of Group II. Applicants reserve the right to prosecute the inventions claimed in cancelled claims 4-22 in subsequently filed divisional applications.

In response to the Examiner's election of species requirement, Applicants elect 1-  
Aminomethyl-5-methyl-spiro[2.5]octane-1-carboxylic acid,

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#### **Status of The Claims**

Claims 4-22 have been canceled. Currently claims 1-3 are under Examination.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claim 1 and 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Al-Awar et al, WO 9808506 (1998). Al Awar discloses the preparation of novel cryptophycins as microtubulin-disrupting antitumor and antigungal agents. Among the compounds disclosed by Al Awar is 1-(aminomethyl)-cyclopropane carboxylic acid, see pages 61 nad 61, compound 2'.

Claims 1 and 3 are also rejected under 35 U.S.C. 102(b) as being anticipated by:

- Caplus accession number 1998:151085, abstract for Sugiyama et al, JP 10059801 (1998). Sugiyama discloses 1-(aminomethyl)-cyclopropanecarboxylic acid, having a registry number 1391226-45-7.
- Caplus Accession Number 2002:696642, abstract for Shih et al, US patent Application Publication US 2002128185 (2002). Shih discloses 1-(aminomethyl)-cyclopropanecarboxylic acid, having a registry number 1391226-45-7.
- Caplus Accession Number 1992:105655 abstract for Ohno et al, Synlett (1991) 12, pp. 919-920. Ohno discloses 1-(aminomethyl)-cyclopropanecarboxylic acid, having a registry number 1391226-45-7.

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**Claims Objections**

Claim 2 is objected because the said claims depend on rejected claim 1.

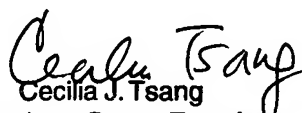
**CONCLUSION**

Any inquiry concerning this communication should be directed to Hector M. Reyes whose telephone number is (571) 272-0691. The examiner can normally be reached on Monday to Friday from 9 am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor Ms. Cecilia Tsang can be reach at (571) 272-0562.

Héctor M. Reyes PhD, JD  
Art Unit 1625  
USPTO Reg. # P-54846  
February 11, 2005

Ms. Cecilia Tsang  
Patent Examiner Supervisor

  
Cecilia J. Tsang  
Supervisory Patent Examiner  
Technology Center 1600